

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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In re:	:	In Chapter 13
	:	
MELVIN CHAPPELL JR., AND	:	Bankruptcy No. 16-17021
CHARLENE GRACE-CHAPPELL	:	
	:	
Debtor.	:	
	:	
	:	
-----X	:	

**PHILADELPHIA GAS WORKS' OBJECTION TO DEBTORS' SIXTH AMENDED  
CHAPTER 13 PLAN DATED AUGUST 10, 2018**

Philadelphia Gas Works (hereinafter "PGW") hereby files its Objection to the confirmation of the Debtors' Sixth Amended Chapter 13 Plan dated August 10, 2018. PGW is a secured creditor. The Municipal Liens were filed by the City of Philadelphia on behalf of the Philadelphia Gas Works for gas service to the property 5011 Saul Street, Philadelphia, PA (the "Property") pursuant to 53 Pa. C.S.A. §7101 et seq. These liens are statutory liens. PGW filed a Proof of Claim on March 23, 2018 for the amount claimed \$7047.16 (\$6398.43 is the secured claim amount).

PGW avers the following in its objection thereto:

1. On October 3, 2016, the Debtors commenced their bankruptcy proceeding in Chapter 13.
2. On August 10, 2018 the Debtors filed a Sixth Amended Chapter 13 Plan.
3. PGW objects to Debtor's statement and mischaracterization of the Philadelphia Gas Works Responsibility Program ("CRP") Agreement as described in Part 9 (J) in Debtor's Sixth Amended Plan.

4. The present CRP Agreement between debtor and PGW has a start date of September 5, 2017.
5. PGW filed a Proof of Claim on March 23, 2018 for the prepetition amount of \$7047.16 (\$6398.43 is the secured amount).
6. PGW's Proof of Claim was not objected to by the Debtor and deemed admitted.
7. There are four statutory liens held by the City of Philadelphia (PGW) filed against Debtors:

Municipal lien docket number 140732722 filed on July 22, 2014 for the amount of \$26.21;

Municipal lien docket number 15023115 filed on February 21, 2015 for the amount of \$972.77;

Municipal lien docket number 160430630 filed on April 16, 2016 for the amount of \$4,472.36; and

Municipal lien docket number 160631730 filed on June 28, 2016 for the amount of \$927.09.

These liens are statutory municipal liens filed against the property 5011 Saul Street (the "Property").

8. Since the present CRP Agreement concerns only with post-petition debt and debtor is paying PGW directly (outside of the Plan) pursuant to the CRP Agreement, PGW requests that the Plan be amended and that Part 9 (J) language in its entirety be removed from the Plan.
9. The present CRP Agreement does not deal with pre-petition debt, only post-petition debt.

10. The CRP Agreement does not need to be included in the Debtor's Plan as the Debtor pays PGW directly and not to the Trustee.<sup>1</sup> There is no need to include PGW's CRP Agreement in Part 4 of the Sixth Amended Plan.
11. More importantly, Debtor is delinquent in his post-petition payments under his present CRP Agreement.
12. The current amount due is \$291.40 which includes an accumulated CRP balance.
13. To date, no payment has been made by the Debtor to cure the default in CRP payment.

WHEREFORE, Philadelphia Gas Works respectfully requests that this Court APPROVE the Debtors' Sixth Amended Chapter 13 Plan **only** if the language in Part 9 (J) is removed in its entirety and that the CRP Agreement is not addressed in Part §4(a) as it is paid outside the Plan directly to PGW.

Respectfully submitted,

PHILADELPHIA GAS WORKS

Dated: August 13, 2018

Respectfully submitted,

/s/ Pearl Pham

Pearl Pham

Senior Attorney

Philadelphia Gas Works

800 W. Montgomery Avenue

Philadelphia, PA 19122

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<sup>1</sup> According to Debtor's Sixth Amended Plan, Part 4 of Secured Claims, Debtor has the regularly monthly payment to PGW listed as \$92.14. The monthly payment as of October 13, 2017 is \$97.14 (\$92.14 CRP +\$5.00 toward the prior balance) (see also attached signed CRP application for Debtor as Exhibit "A").

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**CERTIFICATION OF SERVICE**

I, Pearl Pham, attorney for Philadelphia Gas Works, hereby certify that a true and correct copy of the foregoing Philadelphia Gas Works' Objection to Debtors' Sixth Amended Chapter 13 Plan was served by the means designated below on the date set forth below, upon all parties including the following:

**VIA ECF**

Roger V. Ashodian, Esq.  
Regional Bankruptcy Center of SE PA  
101 West Chester Pike, Ste 1A  
Havertown, PA 19083  
(610) 446-6800

Jacqueline Chandler, Esq.  
Chapter 13 Trustee  
P.O. Box 1229  
Philadelphia, PA 19105  
215-627-1377

Dated: August 13, 2018

/s/ Pearl Pham  
Attorney for Philadelphia Gas Works  
800 W. Montgomery Avenue  
Philadelphia, PA 19122  
(215) 684-6227  
pearl.pham@pgworks.com

**EXHIBIT**  
**“A”**

**PGW Customer Responsibility Program (CRP) APPLICATION / RECERTIFICATION FORM**Name: Melvin Chappell JR  
Address: 5011 SAUL STAccount Number: [REDACTED] 3695  
Zip: 19124 Phone: (215) 617-3758Please Check:  
☒ New Application  
☐ Recertification**Household Information** (Please list all children and adults living in your home, starting with yourself)

Last Name	First Name	Relationship	Social Security #	Date of Birth	Under 18 Y/N	(FOR PGW USE ONLY) Average gross monthly inc.
Chappell	Melvin JR	Self	[REDACTED]	[REDACTED]	Y	
Chappell	Melvin	SON	[REDACTED]	[REDACTED]	Y	
Grace	Aiyana	Daughter	[REDACTED]	[REDACTED]	Y	
(If you need to include more household members, please attach a separate sheet)						Total Average Monthly Household Income
						1023.82

**IMPORTANT:** Attach copies of current income documentation for all household members listed above (e.g., all pay stubs within last 30 days, social security letter). PGW will use this documentation to calculate each household member's average gross monthly income, using year-to-date earnings, if necessary. For adults over age 18 who do not have an income, use the lines below to explain their current situation (e.g., "applied for unemployment, but not eligible", "enrolled in high school / college"). Failure to provide this information when you apply may require follow up verification, which will delay processing.

**Additional Financial Assistance** (to be completed in its entirety and signed by the person providing assistance)

If someone not living in your home provides financial assistance to you or someone else in your home, they must complete the section below and sign where noted. PGW may require verification of the information stated in this section.

Name of person providing assistance: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

(Signature of person providing assistance) I certify that I provide \_\_\_\_\_ /month in cash assistance to the CRP applicant listed above and I understand that PGW can request verification of this information upon request.

**Other Assistance** (Yes or No response is required)

Indicate if your household receives the following types of assistance listed below, and the amount received for each (please attach documentation, such as the DPW Letter of Eligibility or a COMPASS printout). PGW does NOT include the dollar amount of this assistance as income when determining eligibility for CRP. The purpose for obtaining this information is to reduce the need for follow-up when determining how your household meets basic living expenses.

Food Stamps ☐ No ☐ Yes If yes, please list amount per month \_\_\_\_\_Housing subsidy (e.g., PHA housing, voucher) ☐ No ☐ Yes If yes, please list amount per month \_\_\_\_\_**Customer Responsibilities**

- I agree to pay PGW the monthly CRP amount, plus \$5 toward my pre-program arrears (if any), and other additional charges that apply.
- I understand that I will receive 1/36th forgiveness of pre-program arrears only in months that I pay my total amount due on time and in full.
- I understand that if I miss one payment, I will be in default, collection activity will begin, and my service may be terminated.
- I agree to apply for LIHEAP and list PGW as the utility company to which I want payment sent.
- I agree to recertify each year by submitting a CRP application with updated household information and income documentation.
- I agree to report all changes in household size and income, even if the changes occur before my required annual recertification.
- I agree to accept the free services of PGW's conservation programs, if offered to me.
- I agree to make a significant effort to conserve energy.
- I hereby authorize PGW to verify information provided on this form through internal and third party sources, including City and State records and to obtain additional information from any source for any review.
- I agree that if I fail to meet any of the Customer Responsibilities above, PGW may remove me from the Customer Responsibility Program.

**Important Notice:** PUC requirements limit enrollment in CRP to customers who meet the income eligibility. PGW uses internal and third party sources, as well as standard benefit determinations made by the Social Security Administration and the Department of Public Welfare, to routinely audit and assess information and documentation provided by customers who apply for CRP. If through investigation you are found to have provided false information, you will be removed from CRP and may be required to repay the discounts and forgiveness received during the period for which you were ineligible for the program. You may also be subject to criminal prosecution for fraud. By signing below, you acknowledge that you have provided complete and correct information, have read and understand this notice, and agree to the Customer Responsibilities above.

PGW Representative

Customer Signature

Date

9/5/17

THE SCHOOL DISTRICT OF PHILADELPHIA  
PHILADELPHIA, PA  
PAY STATEMENT

Check Number:  
Employee ID:  
Organization:  
Check Date:

5260  
08/11/2017

MELVIN J CHAPPELL  
5011 SAUL STREET  
PHILADELPHIA PA 19124

EMPLOYEE NAME			SSN	EMPLOYEE ID	PERIOD ENDING	CHECK DATE		
MELVIN J CHAPPELL			88		08/08/2016	08/12/2016		
HI PLAN	AMOUNT	PER	DIEM	YTD FEDERAL TAX DEDUCTIONS	YTD FICA DEDUCTIONS	YTD FICA MED DEDUCTIONS	YTD GROSS TAXES	
				6,702.97	7,246.48	7,246.48	7,246.48	
FEDERAL TAX DEDUCTIONS		FICA TAX DEDUCTIONS		FICA MED DEDUCTIONS	RETIREMENT DEDUCTIONS			
442.16		478.00		478.00	478.00			
PAY CATEGORY	DATE	UNITS	AMOUNT	DEDUCTIONS		AMOUNT	YTD AMOUNT	
PER DIEM	9.00	60.00	478.00	FEDERAL TAX		20.17	362.68	
				FICA		29.63	449.28	
				FICA MED		6.83	106.07	
				STATE TAX		14.67	222.37	
				CITY TAX RES		16.73	263.64	
				RETIREMENT		35.85	643.51	
				UNEMPL TAX		0.33	6.00	
TYPE OF LEAVE	ACCUMUL	USAGE	BALANCE	TAXABLE BENEFITS		AMOUNT	YTD AMOUNT	


RETAIN THIS STUB FOR YOUR RECORDS.  
ALL P.L. & W.C. TOTALS ARE SUBJECT TO POST ADJUST.



THE SCHOOL DISTRICT OF PHILADELPHIA  
PHILADELPHIA, PA  
PAY STATEMENT

Check Number:   
Employee ID:   
Organization: 5260  
Check Date: 08/25/2017

MELVIN J CHAPPELL  
5011 SAUL STREET  
PHILADELPHIA PA 19124

MELVIN J CHAPPELL			93	EMPLOYEE ID	PERIOD ENDING	CHECK DATE	
MELVIN J CHAPPELL			93		08/19/2016	08/25/2016	
H.I. PLAN	AGENCY	ORG.	YTD FEDERAL TAX EARNINGS	YTD FICA EARNINGS	YTD FICA MED EARNINGS	YTD GROSS WAGES	
	PER	DIEM	7,100.80	7,676.68	7,676.68	7,676.68	
			FEDERAL TAX EARNINGS	FICA TAX EARNINGS	FICA MED EARNINGS	RETIREMENT EARNINGS	
			397.83	430.20	430.20	430.20	
PAY CATEGORY	RATE	UNITS	AMOUNT	DEDUCTIONS	AMOUNT	YTD AMOUNT	
PER DIEM	9.66	46.00	430.20	FEDERAL TAX	16.76	376.44	
				FICA	26.67	475.85	
				FICA MED	6.24	111.31	
				STATE TAX	13.20	235.57	
				CITY TAX RES	16.66	300.80	
				RETIREMENT	32.27	575.76	
				UNEMPL TAX	0.30	5.30	
TYPE OF LEAVE	ACCUMULATED	USAGE	BALANCE	TAXABLE BENEFITS	AMOUNT	YTD AMOUNT	

RETAINING STATUS FOR YOUR RECORD.  
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**VIA ECF**

Roger V. Ashodian, Esq.  
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101 West Chester Pike, Ste 1A  
Havertown, PA 19083  
(610) 446-6800

Jacqueline Chandler, Esq.  
Chapter 13 Trustee  
P.O. Box 1229  
Philadelphia, PA 19105  
215-627-1377

Dated: August 13, 2018

/s/ Pearl Pham  
Attorney for Philadelphia Gas Works  
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